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SULLIVAN, J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEPHEN KENT JUSICK, JUSTIN TAYLOR, ARIES
DE LA CRUZ,

Plaintiffs,

STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE

-against-

07 CV 7683 (RJS) (JCF)

THE CITY OF NEW YORK; MICHAEL BLOOMBERG, Mayor of the City of New York; RAYMOND KELLY, New York City Police Commissioner; STEPHEN HAMMERMAN, Former Deputy Commissioner for Legal Matters, New York City Police Department; DAVID COHEN, Deputy Commissioner for Intelligence, New York City Police Department; THOMAS DOEPFNER, Assistant Deputy Commissioner for Legal Matters, New York City Police Department; NYPD LIEUTENANT DANIEL ALBANO; NYPD DEPUTY INSPECTOR KERRY SWEET, NYPD Legal Bureau Executive Officer; NYPD Legal Bureau Senior Counsel RUBY MARIN-JORDAN NYPD LEGAL BUREAU SUPERVISOR(S) AT PIER 57; JOSEPH ESPOSITO, Chief of the New York Police Department; THOMAS GRAHAM, Commander, Disorder Control Unit, New York City Police Department; JACK MCMANUS, Assistant Chief, New York City Police Department; BRUCE SMOLKA, former Commander, Patrol Borough Manhattan South, New York City Police Department; TERENCE MONAHAN, Assistant Chief of the Bronx Borough Command; JOHN J. COLGAN, Assistant Chief, New York City Police Department; JAMES P. O'NEILL, Deputy Chief, New York City Police Department; POLICE SERGEANT RAYMOND NG, Shield No. 92286; POLICE OFFICER ERIC RIVERA, Shield No. 15811; POLICE OFFICER PAUL PIZZUTA, Shield No. 04268; POLICE OFFICER MARK ALBERTSEN, Shield No. 04385; JOHN DOES; RICHARD ROES; HUDSON RIVER PARK TRUST,

Defendants

WHEREAS, plaintiffs STEPHEN KENT JUSICK, JUSTIN TAYLOR, AND ARIES DE LA CRUZ ("Plaintiffs") commenced this action in the Southern District of New York by filing a complaint on or about August 29, 2007, alleging that defendants violated Plaintiff's civil and common law rights (the "Complaint"), and

WHEREAS, this action is one of many related actions stemming from activities during the 2004 Republican National Convention in New York City and consolidated for discovery before Magistrate Judge James C. Francis IV and pending before District Judge Richard J. Sullivan (the "RNC Cases"); and

WHEREAS, Defendants The City Of New York, Michael Bloomberg, Raymond Kelly, Stephen Hammerman, David Cohen, Thomas Doepfner, Daniel Albano, Kerry Sweet, Ruby Marin-Jordan, Joseph Esposito, Jack McManus, Bruce Smolka, John J. Colgan, James P. O'Neill, Thomas Graham, Raymond Ng, Eric Rivera, Paul Pizzuta, Mark Albertsen, John Does, Richard Roes, and Hudson River Park Trust ("Defendants") have denied any and all liability arising out of Plaintiff's allegations; and

WHEREAS, plaintiff ARIES DE LA CRUZ and Defendants now desire to resolve the issues raised in this litigation, including the issue of attorney's fees, without further proceedings and without admitting any fault or liability; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The action by plaintiff ARIES DE LA CRUZ is dismissed with prejudice and without costs, expenses or fees except as provided in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff ARJES DE LA CRUZ the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00), in full satisfaction of his claims, including all claims for costs, expenses, attorney's fees and interest

3. In consideration for the payment of the sum listed in paragraph "2", above, Plaintiff agrees to the dismissal, with prejudice, of all claims against all named defendants, including The City Of New York; Michael Bloomberg, Raymond Kelly, Stephen Hammerman, David Cohen, Thomas Doepfner, Daniel Albano, Kerry Sweet, Ruby Marin-Jordan, Joseph Esposito, Jack McManus, Bruce Smolka, John J. Colgan, James P. O'Neill, Thomas Graham, Raymond Ng, Eric Rivera, Paul Pizzuta, Mark Albertsen, John Does, Richard Roes, and Hudson River Park Trust, and to release all defendants, their successors or assigns; all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof including, but not limited to, the New York City Police Department; The Hudson River Park Trust, and the New York City Health and Hospitals Corporation, from any and all liability, claims or rights of action arising from, contained in, or related to the Complaint in this action, which were or could have been alleged by Plaintiff, including all claims for attorney's fees, expenses, costs and interest

4. Plaintiff's counsel shall execute a Stipulation of Voluntary Dismissal thereby dismissing, with prejudice, all claims against Defendants Eric Rivera and Paul Pizzuta.

5. The caption of this action hereafter shall be STEPHEN KENT JUSICK, JUSTIN TAYLOR v. CITY OF NEW YORK, MICHAEL BLOOMBERG, RAYMOND KELLY, STEPHEN HAMMERMAN, DAVID COHEN, THOMAS DOEPFNER, DANIEL ALBANO, KERRY SWEET, RUBY MARIN-JORDAN, JOSEPH ESPOSITO, JACK MCMANUS, BRUCE SMOLKA, JOHN J. COLGAN, JAMES P. O'NEILL, THOMAS

GRAHAM, RAYMOND NG, MARK ALBERTSEN, JOHN DOES, RICHARD ROES, AND HUDSON RIVER PARK TRUST, 07 Civ. 7683 (RJS) (JCF).

6. Plaintiff ARIES DE LA CRUZ and his counsel shall execute and deliver to defendants' attorneys all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraphs "2-4" above and an Affidavit of No Liens.

7. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way performed the acts or omissions alleged in the Complaint herein or that defendants violated Plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

8. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

9. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

New York, New York
May 1, 2008

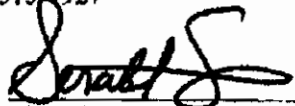
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By


Jeffrey A. Rothman, Esq.

By


Gerald S. Smith
Senior Counsel

SO ORDERED.


HON. RICHARD J. SULLIVAN,
U.S.D.J.

5/2/08